

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Cornelia Berghof et al.
Serial No. : 10/691,731
For : NUCLEIC ACID MOLECULE SET FOR DETECTING SALMONELLA, NUCLEIC ACIDS, KIT AND USE
Filed : October 23, 2003
Examiner : Sitton, Jehanne Souaya
Art Unit : 1634
Filed via EFS Web
August 10, 2009
745 Fifth Avenue
New York, NY 10151

TERMINAL DISCLAIMER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Dear Sirs:

This paper is supplemental to the enclosed Amendment and Response to Office Action and is being filed in response to the Office Action mailed July 1, 2009 without any prejudice, admission, surrender of subject matter, or any intention of creating any estoppel as to equivalents. Enclosed herewith is a check which includes \$70.00 in payment of the required fee. While no other fees are believed to be due at this time, the Commissioner is hereby authorized to charge any additionally required fee for this paper, or to credit any overpayment in fees, to Deposit Account No. 50-0320.

I, Ronald R. Santucci, declare that I am an agent of record and that I am authorized to execute terminal disclaimers on behalf of Biotecon Diagnostics GmbH, the assignee of the above-captioned application ("the present application") and of U.S. Patent No. 6,706,472 ("the '472 patent");

That Biotecon Diagnostics GmbH has a place of business at Tegeler Weg 33, 10589 Berlin, Germany;

That Biotecon Diagnostics GmbH is the assignee of the entire right, title and interest in, to, and under the present application, filed October 23, 2003 as divisional of U.S. Application Serial No. 09/485,434 filed as a PCT on August 12, 1998, entering the national stage on April 14, 2000, and issued as the '472 patent on March 16, 2004, by virtue of the assignment from the inventor, as set out at Reel 011117 and Frame 0422, wherein said assignment was recorded at the U.S. Patent and Trademark Office on July 31, 2000;

That Biotecon Diagnostics GmbH is the assignee of the entire right, title and interest in, to, and under the '472 patent filed as a PCT on August 12, 1998, entering the national stage on April 14, 2000, and issued on March 16, 2004, by virtue of the assignment from the inventor, as set out at Reel 011117 and Frame 0422, wherein said assignment was recorded at the U.S. Patent and Trademark Office on July 31, 2000;

That Biotecon Diagnostics GmbH hereby disclaims the terminal part of any patent granted on the present application which would extend beyond the expiration date of the full statutory term of the '472 patent;

That Biotecon Diagnostics GmbH hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the '472 patent, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns;

That no terminal part of any patent granted on the present application is disclaimed prior to the full statutory term of the '472 patent in the event that the '472 patent earlier expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above.

In accordance with 37 C.F.R. § 3.73(b), the undersigned agent of record, empowered to sign this Statement on behalf of the assignee, states that Biotecon Diagnostics GmbH is the assignee of the patent application and patent identified above (the present application and the '472 patent, respectively) by virtue of the assignment identified above.

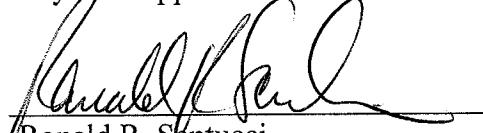
Confirmation No. 8400
930008-2023.1
Terminal Disclaimer

And thus, that the undersigned has reviewed documents in the chain of title of the patent applications identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

This paper is being provided merely to expedite prosecution and is presented without admission, without prejudice, without surrender of subject matter, without any intention of creating any estoppel as to equivalents.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By:



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